

Eagle and Summit County Wilderness Preservation Act
Legislative Guide

Section 1: The “Short Title” is simply that, a shortened non-legal title to this particular piece of legislation, the short title does not influence the legislation.

Section 2: “Definitions,” defines commonly used terms to ensure correct usage and interpretation.

Here, legislative counsel had determined that only two terms could benefit from greater clarity with respect to this specific legislation, other common terms have previous long standing definitions and interpretations associated with them and need nothing specified, clarified or tailored to this piece of legislation. First, when distinguishing which “Secretary” (Agriculture or Interior) is concerned with respect to what provision. Secondly, the term Wilderness Area is clarified to ensure it only refers to areas designated as Wilderness under Section 3 of this legislation, and areas that could possibly become future Wilderness under Section 4(C).

Section 3: Designations of Additional Wilderness Areas.

The Eagle and Summit County Wilderness Preservation Act has been drafted to promote ease and uniformity in management, understanding and interaction. The select areas that would be designated as Wilderness by this legislative proposal incorporate long standing local legal history and ensure that they will easily fit within the current practices and norms of local governments, water providers, land managers and the many other interested stakeholders. This legislation would add each wilderness area to the wilderness areas designated under Sec. 2 of the “Colorado Wilderness Act of 1993,” building off of existing statute and interpretation and ensuring that long held assurances and safe-guards for water rights holders, military over-flight and helicopter training, water providers, local communities, the State Government, grazers and land managers also apply to any new areas.

These protections and guidelines are in detail in Sec. 3 “Administrative Provisions” and Sec. 8 “Water” of the “Colorado Wilderness Act of 1993” as well as in the “Administrative Provisions” and “Management” sections of Sec.3 of this legislation. It is important to note that specific boundary adjustments, area removal and similar needs made for the many various stakeholders including recreation are not enumerated within legislative text for wilderness areas, as the legislative text refers directly to a corresponding map in which those details are shown. Furthermore, through committee consideration, specific needs and considerations inspiring those adjustments will be detailed in committee report language. Lastly, it is important to note that this legislation represents a starting point, and Congressman Polis is eager and supportive of ways this bill may be improved if any such suggestions arise during the hearings and mark ups that will come through the forthcoming committee consideration.

The Eagle and Summit County Wilderness Preservation Act also pays close attention to the issue of wildfire, insect and disease management. First, areas included for wilderness in this legislation have not had verified wildfire related concerns brought forward during consideration by land managers or local fire districts / first responders. Areas where such concerns have been raised have not been included and will undergo further analysis. Second, this legislative language provides the most latitude and assurances possible for land managers in pre-fire, fire fighting, and insect disease management by specifically underlining the intent of this legislation, to provide maximum latitude, and by drawing off of existing committee report language from the 98th congress providing even further clarity. Lastly, this language draws off of accepted previous legislative language from other wilderness bills that ensure all those involved from land manager to first responder have contingency planning completed relieving any concerns of delayed reaction or confusion should a wildfire start.

Section 4: Special Management Areas: Red Table, Pisgah Mountain and Castle Peak Areas.

Although the areas of Red Table, Pisgah Mountain and Castle Peak have been recommended by their respective land management areas to become full Wilderness, local needs that could not be addressed by excluding small places or making boundary adjustments, exist that have led Congressman Polis' office to not include these as full Wilderness within this legislation. Primarily, this includes the simultaneous needs of local and regional water providers, local existing ranching operations, local governments and the Colorado Army Air National Guard's High-Altitude Army Aviation Training Site.

While each individual entity that the Congressman's office has interacted with on these areas has many individual needs, the approach employed by this legislation has had to find the common ground amongst all of these individual needs and individual stakeholders. This legislation accomplishes this first and foremost by not designating these areas as wilderness or even wilderness study areas, ensuring that the regulations and restrictions within the Wilderness Act are not applicable. The Forest Service's ability and authority with respect to fire, insect and disease management are fully unaffected by this section, especially because of the fact that these areas are not being designated as Wilderness.

This legislation maintains the status quo for these areas, individually outlining management specifics, ensuring the above listed stakeholders are unaffected while also ensuring that these areas are not threatened in the future by land sale or lease, energy development or changes in management directive. This section adds these areas to Sec. 9 of the "Colorado Wilderness Act of 1993" with several other special management areas. This approach has allowed this legislation to apply the long standing and accepted uniform water language from Sec. 8 of the Colorado Wilderness Act of 1993, ensuring safeguards for water providers and water rights holders. This approach also employs minimal but key restrictions, namely ensuring these areas are not leased or sold in the future, and the quality of the areas is maintained as it is

today. Additionally, it ensures that livestock grazing is not affected by ensuring continued use by current grazers consistent with current practices.

Finally, and very importantly, these areas are the training ground for the Colorado Army Air National Guard's HAATS program, a program currently keeping those serving our country, particularly in Afghanistan, safe. Not only are these areas not to be designated wilderness, a belt and suspenders approach has been included in this legislation to ensure that their operations are in no way affected now or in the future. The specific language contained in this legislation ensures the Colorado Army Air National Guard is unaffected both in terms of this legislation and in ensuring that no internal Army regulation or restriction is inadvertently triggered (by not labeling or specifying management of these areas with any specific term related to wilderness, primitiveness or recreation).

While we are confident that this legislation accomplishes that feat, we are also eager to engage the expertise of congressional committee staff and Members, committee jurisdiction and congressional researchers and respective agency experts that the introduction and committee consideration of this bill will allow, as a further assurance to the Colorado Army Air National Guard. For the Castle Peak Special Management Area and the Pisgah Mountain Special Management Area, the central non-conforming use is the National Guard's Helicopter Training. It is conceivable that at some point in the future, new technologies or new missions could mean that the National Guard no longer needs the use of these areas for helicopter training. This legislation will then allow the US Forest Service to add these lands to the National Wilderness Preservation system if the use of these areas' air space is no longer needed and Department of Defense and Secretary of Agriculture agree.

This simple approach ensures that all stakeholders' needs are met and ensures that there are no unintended issues as the bill uses existing and longstanding accepted language to ensure the needs of water providers, local governments, the Colorado Army Air National Guard, recreationists and local existing ranching operations are met.

Sec. 5 and 6: Special Management Areas; Porcupine Gulch, Tenmile and Hoosier Ridge Companion and Special Management Designations:

As with the above Special Management Areas, certain sections adjoining the Tenmile and Hoosier areas proposed for wilderness designation had specific and local needs that precluded these areas from full wilderness designation. This section protects these areas from sale or lease, and new development while ensuring that land managers have all ability and authority to do whatever they determine necessary with respect to wildfire, insect or disease as currently exist. Several popular mountain biking trails exist within the special management areas and this legislation ensures those trails can continue to be biked on, and the boundaries contained on the associated maps have accommodated legal motorized usage areas.

Additionally, the Tenmile areas and Porcupine Gulch areas are proposed for special management protection as opposed to Wilderness because of the potential future needs of the Colorado Department of Transportation and our I-70 communities in addressing the plague of congestion along the I-70 corridor. The Congressman is working closely with CDOT independently of this legislation to move forward the planning and potential solutions that CDOT and the I-70 Coalition have developed. It simply can't be foreseen what exactly will need to happen with respect to I-70 as the long term study and engineering process continues, and therefore this legislation ensures that the protection of these lands will not inadvertently hinder any future project or solution. The potential needs range from highway widening, to multimodal or rail projects, to the need for avalanche or rockfall control farther off the immediate highway corridor.